



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,765	04/02/2004	Chiaki Hamada	119332	9946
25944	7590	07/31/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MANCHO, RONNIE M	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/815,765	<b>Applicant(s)</b> HAMADA ET AL.	
	<b>Examiner</b> Ronnie Mancho	<b>Art Unit</b> 3663	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
 JACK KEITH  
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:  
The applicant argues that issues presented on page 3 of the office action are not the same as issues on page 8 under 112 rejections. The examiner does not understand the significance of the remark. Applicant needs to elaborate on the remark.

Applicant argues that claim 12 has been improperly interpreted. The examiner disagrees and asserts that the rejection raised under 112 are proper for reasons already stated in the office actions. The examiner has considered all the claim limitations and has pointed out the deficiencies in the claims. The 112 rejection regarding the limitation "during execution of the braking force distribution control" being recited twice has been removed.

Applicant raised new issues during the interview of 6-28-07 when explaining what the invention is about. The examiner pointed out during the interview that the issues raised by applicant regarding rear wheel brakes been lowered are in deep contrast. That is applicant asserts on one hand that "the braking force  $F_r$  on the rear wheels are lowered" and then on the other hand asserts that "the braking force on the rear wheels  $F_r$  remains the same", see applicant's arguments pages 2 and 3. In applicant's specification and drawings, the brakes on the front wheels are increased while the brakes on the rear wheels are held constant. Therefore the rear brakes cannot be interpreted as being LOWERED as applicant urges. On the other hand as already pointed out to the applicant, the rear brakes can be interpreted as being lower (Not LOWERED) compared to the front wheel brakes since the front wheel brakes are increased with respect to the rear wheel brakes. However, the rear brakes were not LOWERED.

Applicant during the interview insisted that the examiner read through all the specification and drawings and all the prior art and let him know if the prior art still reads on the claims. The examiner indicated that the interview was not meant for examination since one hour will not be enough to examine a whole application. Applicant kept insisting that the examiner should examine the application as requested even though the time allotted for the interview had expired and another attorney was waiting for his turn for an interview outside. The examiner indicated that the rejections in the final office action are proper and stand.

Applicant further argues that the 112 rejection drawn to the limitation, "braking force on the front wheels .....is increased during execution of the braking force distribution control but decreased when anti-skid control for either of the wheels is executed" is improper. The examiner disagrees. The claimed "anti-skid control" is also a "braking force distribution control". The applicant has failed to clearly state when the braking force should be increased or decreased. Therefore, the rejection stands.

During the interview, the examiner explained how an antiskid braking distribution control works, but the explanation was not in contradiction as applicant's invention is in contradiction.

Applicant further argues that "either of the wheels" refers to either of the front wheels. But claim 12 does not explicitly disclose the limitation as such. Claim 12 calls for front and rear wheels. The limitation "either of the wheels" needs to be distinctly claimed.

Applicant's arguments drawn to the MPEP 2114/2115 issues have been already addressed in the final office action and will not be repeated here since the MPEP 2114/2115 rejections are proper and stand.

Applicant's argument that claims 1 and 12 do not recite a manner in which braking is intended to be employed but is positively setting forth how braking is employed has no basis. Applicant uses phrases such as "for controlling, "is increased during.....", "wherein" etc which phrases are drawn to intended use or method steps.